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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,495	07/11/2003	James Owen	BEAS-01363US0	5399

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EXAMINER

KIM, PAUL

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,495

Applicant(s)

OWEN ET AL.

Examiner

Paul Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>(5) IDS</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following: Original Application filed on July 11, 2003, claiming priority to Provisional Application Nos. 60/449/154 and 60/451,174, filed on February 20, 2003.
2. Claims 1-48 are pending. Claims 1, 9, 17, 25, 33, and 41 are independent.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Figure 1, Element 110 – “Application”
- Figure 3, Element 300 – “Application”
- Figure 3, Elements 312-316 – “Repository”
- Figure 8, Element 800
- Figure 9, Element 900
- Figure 10, Element 1000

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

5. The abstract of the disclosure is objected to because of the legal phraseology and for simply reciting claim 1 of the invention. Appropriate correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-48** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Regarding **claim 1**, the following deficiencies are present:

- Line 7 recites "at least on property." It is unclear whether this is intended to be the same as or different from "a property" recited in line 5 of the claim.
- Line 8 recites "schema." It is unclear whether this is intended to be the same as or different from "a schema" recited in line 5 of the claim.

9. Regarding **claim 4**, the following deficiencies are present:

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- Line 2 recites “the plurality of content repositories.” It is unclear whether this is intended to be the same as or different from “said plurality of content repositories” recited in line 8 of claim 1.
 - Line 3 recites “the VCR.” It is unclear whether this is intended to be the same as or different from “said VCR” recited in lines 4, 6 and 7 of claim 1.
10. Regarding **claim 6**, the following deficiencies are present:
- Line 2 recites “a property.” It is unclear whether this is intended to be the same as or different from “a property” recited in line 5 of claim 1.
11. Regarding **claim 7**, the following deficiencies are present:
- Line 2 recites “one property definition.” It is unclear whether this is intended to be the same as or different from “a property definition” recited in line 5 of claim 6.
 - Line 2 recites “property.” It is unclear whether this is intended to be the same as or different from “a property” recited in line 2 of claim 6, and line 5 of claim 1.
12. Regarding **claim 8**, the following deficiencies are present:
- Line 8 recites “other nodes.” It is unclear whether this is intended to be the same as or different from “the node” recited in lines 3-7 of claim 1.
13. **Claims 9-48** contain similar types of deficiencies as those described with respect to claims 1-8, the number a nature of which is too numerous to mention each individually. It is incumbent upon Applicant to ensure any amendment addresses the deficiencies of claims 9-48 in addition to those specifically noted with respect to claims 1-8.

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. **Claims 25-32 and 41-48** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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16. Regarding **claims 25-32**, a computer data signal embodied in a transmission medium does not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. 101. Under O'Reilly v. Morse, 56 U.S. 62, claims that recite nothing but the physical characteristics of a form of energy, such as frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena.

A claimed signal is clearly not a “process” under 35 U.S.C. 101 because it is not a series of steps. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine. A claimed signal is not matter, but a form of energy, and therefore is not a composition of matter. And lastly, because a signal lacks physical substance and is not a residual class of product, a claimed signal does not fall within the definitions of manufacture. Therefore, a claimed signal does not constitute patentable subject matter as set forth in 35 U.S.C. 101.

17. Regarding **claims 41-48**, claims 41-48 are rejected accordingly under 35 U.S.C. 101 for failing to claim patentable subject matter. The claims recite a “machine readable medium” which carries a broader scope than a “transmission medium” as found in claims 25-32, and thus are accordingly rejected for the reasons stated above.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. **Claims 1-4, 8-12, 16-20, 24-28, 32-36, 40-44, and 48,** are rejected under 35

U.S.C. 102(e) as being anticipated by Hotti et al (U.S. Patent No. 6,970,876, hereinafter referred to as HOTTI), filed on May 8, 2001, and issued on November 19, 2005.

20. Regarding **independent claim 1**, HOTTI, teaches:

A method of operating on a virtual content repository (VCR) that represents a plurality of content repositories {See. HOTTI, col. 1, lines 45-54, wherein this reads over “‘Database Catalogue’ logically partitions a database . . . [wherein] each logical database is a catalogue and contains a complete, independent group of database objects. . . . This makes it possible, for example to create two or more replica databases into one physical database; and col. 1, lines 54-56, wherein this reads over “‘Database Node’ is a database catalogue, which has been defined to act as a master or replica and thus participates in a hierarchy of synchronized databases.”}, comprising:

creating a node, wherein the node has an identifier that indicates a location of the node in said VCR {See HOTTI, col. 7, lines 18-41, wherein this reads over “two new, empty database nodes are created to the database server where the application replica database will reside . . . and registered with the configuration management master As part of the registration, the identification data . . . is sent; and col. 9, lines 38-42, wherein this reads over “the invention can be implemented to work in a telecommunication system, which is compliant with . . . TCP/IP”};

associating the node with at least one of:

1) a property; and

2) a schema {See HOTTI, Figure 2a, Elements 233 and 203; col. 6, lines 20-24, wherein this reads over “replicas of the configuration management master are stored into database server 201, 211, 221 of the database system”; and col. 7, lines 20-26, wherein this reads over, “schema name of the new application database is sent to the configuration management master database node”};

storing the node in said VCR {See HOTTI, Figure 2b; and col. 3, lines 28-31, wherein this reads over “[t]here is also a configuration management master 233 stored in the configuration management node, and replicas

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203213, 223 of the configuration management master are stored into database servers 201, 211, 221 of the database system”}; and

wherein storing the node in said VCR will result in the at least one property and/or schema being stored in one of said plurality of content repositories {See HOTTI, col. 2, lines 32-34, wherein this reads over “the application replica databases include schemas 113, 123, which may be a full or partial copy of the schema 103 of the application master database”}.

21. Regarding **dependent claims 2-3, 10-11, 18-19, 26-27, 34-35, and 42-43**, because associating a node with “a property” is optionally recited within claims 1, 9, 17, 25, 33, and 41 “the property” recited in claims 2, 10, 18, 26, 34, and 42 do not carry any patentable weight. Thus, claims 2-3, 10-11, 18-19, 26-27, 34-35, and 42-43 are rejected accordingly.

22. Regarding **dependent claim 4, 20, 28, 36, and 44**, HOTTI teaches:

The method of claim 1 (also a computer data signal, a system, and a machine readable medium) wherein: each one of the plurality of content repositories exposes a first set of services to enable its integration into the VCR {See HOTTI, col. 7, lines 12-16, wherein this reads over “the database schema and application configuration of the replica database node is defined in using the configuration management application and stored”; and col. 7, lines 28-30, wherein this reads over “[t]his downloads the schema creation scripts of the replica and possibly also application configuration data and software to the database node”}.

23. Regarding **dependent claim 8, 16, 24, 32, 40, and 48**, HOTTI teaches:

The method of claim 1 (also a computer data signal, a system, and a machine readable medium) wherein: the node can be hierarchically related to other nodes in the VCR {See HOTTI, col. 1, lines 55-57, wherein this reads over “[d]atabase Node” is a database catalogue, which has been defined to act as a master or replica and thus participates in a hierarchy of synchronized databases”}.

24. Regarding **dependent claim 9**, HOTTI teaches:

A method of operating on a virtual content repository (VCR) that represents a plurality of content repositories {See. HOTTI, col. 1, lines 45-54, wherein this reads over as stated above}, comprising :

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obtaining a node from said VCR, wherein the node has an identifier that indicates a location of the node in said VCR {See HOTTI, col. 7, lines 18-41, wherein this reads over as stated above};

wherein the node is associated with information that includes at least one of:

1) a property; and
2) a schema {See HOTTI, Figure 2a, Elements 233 and 203; col. 6, lines 20-24, wherein this reads over as stated above};

wherein the node information is stored in at least one of said plurality of content repositories {See HOTTI, Figure 2b; and col. 3, lines 28-31, wherein this reads over as stated above}; and

wherein each one of the plurality of content repositories exposes a first set of services to enable its integration into the VCR {See HOTTI, col. 7, lines 12-16,, wherein this reads over as stated above}.

25. Regarding **dependent claim 12**, HOTTI teaches:

The method of claim 9 wherein:

the identifier is a path {See HOTTI, col. 7, lines 23-28, wherein this reads over “the identification data, e.g. schema name of the new application database is sent to the configuration management master database node. Next in step 408 the newly created configuration management replica is synchronized with its master database”; and col. 9, lines 38-41, wherein this reads over “the invention can be implanted . . . [with] TCP/IP”}.

26. Regarding **dependent claim 17, 25, 33, and 41**, HOTTI teaches:

A method (also a computer data signal, a system, and a machine readable medium) of operating on a virtual content repository (VCR) wherein the VCR has a node and wherein said node is associated with information, said method comprising:

obtaining said node, wherein said node has an identifier that indicates a unique location in said VCR {See HOTTI, col. 7, lines 18-41, which reads over as stated above};

performing an operation on said node, wherein the operation is one of:

1) deleting said node;
2) changing the location of said node in the VCR;
3) reading said information; and

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4) updating said information {See HOTTI, col. 3, lines 21-25, wherein this reads over "These synchronized schema/application configuration management replicas comprise scripts that are used for creating and/or updating the schemas of the database nodes and managing the configurations of applications that use the database node"};

wherein the VCR represents a plurality of content repositories {See. HOTTI, col. 1, lines 45-54, wherein this reads over as stated above}; and

wherein the information includes at least one of:

1) a property; and

2) a schema {See HOTTI, Figure 2a, Elements 233 and 203; col. 6, lines 20-24, wherein this reads over as stated above}.

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. **Claims 5-7, 13-15, 21-23, 29-31, 37-39, and 45-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over HOTTI, in view of Wotring et al (U.S. Patent No. 6,665,677, hereinafter referred to as WOTRING), filed on October 2, 2000, and issued on December 16, 2003.

HOTTI teaches the limitations of claims XXXX for the reasons stated above.

HOTTI differs from the claimed invention in that HOTTI fails to teach a method (also a computer data signal, a system, and a machine readable medium) wherein the schema includes at least one property definition (claims 5, 13, 21, 29, 37, and 45).

HOTTI differs from the claimed invention in that HOTTI fails to teach a method (also a computer data signal, a system, and a machine readable medium) wherein a property definition can specify, for a property, property choices (claims 6, 14, 22, 30, 38, and 46).

HOTTI differs from the claimed invention in that HOTTI fails to teach a method (also a computer data signal, a system, and a machine readable medium) wherein there is one property definition for each property associated with the node (claims 7, 15, 23, 31, 39, and 47).

29. Regarding **dependent claims 5, 13, 21, 29, 37, and 45**, HOTTI, in combination with WOTRING, discloses a method (also a computer data signal, a system, and a machine readable medium) wherein the schema includes at least one property definition *{See WOTRING, Figure 3; and col. 4, lines 27-30, wherein this reads over "[t]he schema defines the logical categories in which data can be stored"}*.

The combination of inventions disclosed in HOTTI and WOTRING would disclose an invention which would comprise of a method (also a computer data signal, a system, and a machine readable medium) wherein the schema includes at least one property definition, specifically logical categories into which data may be classified. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by HOTTI by combining it with the invention disclosed by WOTRING.

One of ordinary skill in the art would have been motivated to do this modification since a schema is a description for how data is stored in a database, thus, necessitating that certain properties be defined.

30. Regarding **dependent claims 6, 14, 22, 30, 38, 46**, HOTTI, in combination with WOTRING, discloses a method (also a computer data signal, a system, and a machine readable

medium) where a property definition can specify property choices *{See WOTRING, Figure 3; and col. 4, lines 27-30, wherein this reads over "[t]he schema defines . . . the attributes that belong to the individual logical categories"}*.

The combination of inventions disclosed in HOTTI and WOTRING would disclose an invention which would comprise of a method (also a computer data signal, a system, and a machine readable medium) wherein the property definition can specify certain property choices, or attributes belonging to individual logical categories. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by HOTTI by combining it with the invention disclosed by WOTRING.

One of ordinary skill in the art would have been motivated to do this modification since a schema is a description for how data is stored in a database, thus, necessitating that certain property definitions be specified in further detail by property choices.

Regarding **dependent claims 7, 15, 23, 31, 39, 47**, HOTTI, in combination with WOTRING, discloses a method (also a computer data signal, a system, and a machine readable medium) wherein there is one property definition for each property associated with the node *{See WOTRING, Figure 3; and col. 4, lines 27-30, wherein this reads over "[t]he schema defines . . . the attributes that belong to the individual logical categories"}*.

HOTTI discloses a method (also a computer data signal, a system, and a machine readable medium) wherein a node is associated with a schema, while WOTRING discloses a method wherein a schema includes at least one property definition, which specifies property choices, specifically attributes that belong to an individual logical category. Thus, the combination of inventions disclosed in HOTTI and WOTRING would disclose an invention

which would comprise of a method (also a computer data signal, a system, and a machine readable medium) wherein there would be a property definition for each property associated with the node. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by HOTTI by combining it with the invention disclosed by WOTRING.

One of ordinary skill in the art would have been motivated to do this modification since a schema is a description for how data is stored in a database, specifically a node, and thus, necessitating there be a property definition for each property associated with the node.

Conclusion

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SAM RIMELL
PRIMARY EXAMINER